

REMARKS

This Response is submitted in reply to the Office Action of July 18, 2007. Claims 1 to 17, 19 to 41, 43 to 61, 64 to 76, and 78 to 93, 103, 117, 121, 125, and 126 stand allowed. Claims 18, 42, 62, 63, 77, 97 to 103, 107, and 111 to 113 were previously canceled. Claims 94 to 96, 104 to 106, 108 to 110, 114 to 116, 118 to 120, 122 to 124 have been amended. No new matter is added by these amendments.

Applicant submits herewith a Petition for a two-month extension of time. Please charge Deposit Account No. 02-1818 to cover the cost of the extension of time and any other fees due in connection with this Response.

The Office Action rejected Claims 94, 104, 108, 114, 118 and 122 under 35 U.S.C. 103(a) as being obvious over U.S. Patent 6,159,095 to Frohm ("Frohm"), in view of U.S. Publication No. 2002/0025849 to Olive ("Olive"), in further view of U.S. Patent 5,636,838 to Caro ("Caro").

Page 4 of the Office Action admits that Frohm and Olive do not specifically disclose an average expected award based on the first and second awards associated with at least one of the indicated first award symbols and at least one of the indicated second award symbols, wherein the first and second awards are arranged on the award indicator so that the average expected award is the same. The Office Action reasons that that it is inherent in the gaming device resulting from the combination of Frohm and Olive that the average expected award based on the first and second awards will be approximately the same throughout the game, since the payouts are fixed, as demonstrated by the fixed payable of the Frohm reference.

The Office Action also acknowledges that Frohm and Olive do not disclose each of the first award symbols of the award indicator being configured to be indicated in combination with one of the second award symbols from a predetermined group of the second award symbols associated with the first award symbols, such that the average expected award is approximately the same for each indication of that first award symbol. The Office Action attempts to cure the deficiencies in Frohm and Olive with Caro. The Office Action reasons that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Frohm and Olive to include the v, as taught

by Caro, to provide predictability and to inform a player that the typical award resulting from the combination of the two symbol indicators would have an average value.

As a primary matter, the Office Action appears to misstate the claim language. Amended independent Claim 94 includes, among other elements, a predetermined arrangement of the first and second award symbols on the award indicator, wherein each of the first award symbols of the award indicator is configured to be indicated in combination with one of the second award symbols from a predetermined group of the second award symbols associated with that first award symbol, the predetermined group of the second award symbols being less than all of the second award symbols, such that the average expected award is approximately the same for each indication of that first award symbol. Thus, in the gaming device of amended independent Claim 94, each of the first award symbols is configured to be indicated in combination with one of a predetermined group of second award symbols associated with that particular first award symbol. The predetermined group of second award symbols associated with each first award symbol includes less than all of the second award symbols. Therefore, only certain of the second award symbols may be indicated in combination with any given one of the first award symbols. Accordingly, each time one of the first symbols is indicated, there is an average expected payout, based on the second award symbols which may be indicated with that first award symbol.

Regardless of whether it would have been obvious to modify Frohm and Olive to include the even distribution of roulette symbols, as allegedly taught by Caro, the resulting gaming device would not achieve the gaming device of amended independent Claim 94. Unlike the gaming device of amended independent Claim 94, the gaming device resulting from the combination of Frohm, Olive, and Caro would not include a predetermined arrangement of the first and second award symbols on the award indicator, wherein each of the first award symbols of the award indicator is configured to be indicated in combination with one of the second award symbols from a predetermined group of the second award symbols associated with that first award symbol, the predetermined group of the second award symbols being less than all of the second award symbols, such that the average expected award is approximately the same for each indication of that first award symbol.

Caro provides a roulette-type game which includes an outer roulette ring and an inner roulette ring, each of the rings bearing a plurality of roulette symbols. A player may place a wager on the symbols of the outer ring, the symbols of the inner ring, or on the occurrence of the same number on both the outer and inner rings. The rings are concentric and spin either in the same direction or in opposite directions. A ball is spun and lands in one of a plurality of pockets aligned with the symbols of the outer and inner rings to indicated one of the symbols on each of the rings.

Caro does not disclose that the symbols in the outer ring are configured to be indicated with a predetermined group of symbols in the inner ring, the predetermined group being less than all of the symbols in the inner ring, or vice versa. Rather, in Caro, the ball can land in a pocket which indicates any of the symbols in the outer ring in combination with any of the symbols in the inner ring. Accordingly, Caro does not disclose a predetermined arrangement of the first and second award symbols on the award indicator, wherein each of the first award symbols of the award indicator is configured to be indicated in combination with one of the second award symbols from a predetermined group of the second award symbols associated with that first award symbol, the predetermined group of the second award symbols being less than all of the second award symbols, such that the average expected award is approximately the same for each indication of that first award symbol. Therefore, Caro does not cure the deficiencies in Frohm and Olive.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that amended independent Claim 94 is patentably distinguished over Frohm, Olive, and Caro and in condition for allowance.

Amended independent Claims 104, 108, 114, 118, and 122 each include certain similar elements to amended independent Claim 94. For at least the reasons given above with respect to amended independent Claim 94, Applicant respectfully submits that amended independent Claims 104, 108, 114, 118, and 122 are each patentably distinguished over Frohm, Olive, and Caro and in condition for allowance.

The Office Action rejected Claims 95, 96, 105, 106, 109, 110, 115, 116, 119, 120, 123 and 124 under 35 U.S.C. 103(a) as being obvious over Frohm in view of Olive, in further view of U.S. Patent 5,873,781 to Keane ("Keane").

The Office Action states that the combination of Frohm and Olive does not include an average expected award based on the first and second symbols associated with at least one of the indicated first award symbols and at least one of the indicated second award symbols, wherein the first and second awards are arranged on the award indicator so that the average expected award is different in each indication of the first and second symbols. The Office Action reasons that it is inherent in the gaming device resulting from the combination of Frohm and Olive that the average expected award will be different in each indication of the first and second awards, since the same combination will seldom appear twice in a row in slot games.

The Office Action also proposes combining Frohm and Olive with Keane. Keane appears to disclose non-uniform distribution of symbols on each of multiple reels. The Office Action reasons that, in the gaming device from such a combination, each reel would have non-uniform distributions so the total sum of the totals of the award symbols would vary and not be constant. The Office Action reasons that it would have been obvious to one of ordinary skill in the art at the time of invention to modify Frohm and Olive to include the non-uniform distributions of symbols, as taught by Keane, to maintain a player's interest in the game, since the average expected payout would fluctuate (Office Action, Pages 11 and 12).

Regardless of whether it would have been obvious to modify Frohm and Olive in the manner proposed by the Office Action, the gaming device resulting from the combination of Frohm, Olive, and Keane would not achieve the gaming device of amended independent Claim 95. Unlike the gaming device of amended independent Claim 95, the gaming device resulting from the combination of Frohm, Olive, and Keane would not include each first award symbol being configured to be indicated in combination with one of the second award symbols from a predetermined group of the second award symbols associated with that first award symbol, the predetermined group of the second award symbols being less than all of the second award symbols,

such that the average expected award associated with each of the first award symbols is different.

Keane describes that, in certain gaming devices, different probabilities of being indicated are assigned to different reels stop positions (i.e., reel symbols). This is referred to as a "non-uniform probability distribution." Keane provides a gaming device which, in one embodiment, selects reel stop positions (i.e., reel symbols) based on such non-uniform probability distributions. In such embodiments, different probability distributions may be used for each reel in gaming devices which include multiple reels (Col. 11, lines 11 to 23).

If the combination of Frohm and Olive were modified to incorporate the Keane non-uniform distribution of symbols on different reels, the resulting gaming device would include different reels, each reel having symbols with different probabilities of being indicated. However, like Frohm and Olive, Keane does not disclose that each of the first award symbols (i.e., the symbols of a first reel) is configured to be indicated in combination with one of the second award symbols (i.e., the symbols of a second reel) from a predetermined group of the second award symbols associated with that first award symbol, the predetermined group of the second award symbols being less than all of the second award symbols. Therefore, gaming device resulting from the proposed combination of references does not achieve the gaming device of amended independent Claim 95.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that amended independent Claim 95 is patentably distinguished over Frohm, Olive, and Keane and in condition for allowance.

For reasons similar to those given above with respect to amended independent Claim 95, Applicant respectfully submits that amended independent Claims 96, 105, 106, 109, 110, 115, 116, 119, 120, 123, and 124 are each patentably distinguished over Frohm, Olive, and Keane and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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Dated: December 17, 2007